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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,181	03/12/2001	Gunter Knepe	HM-388 PCT	3009

7590
Friedrich Kueffner
317 Madison Avenue
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02/05/2004

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/05/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,181

Applicant(s)

KNEPPE ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) 13, 18 and 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Species A (claims 11, 12, 14, 17, 19 and 20) in the response filed November 17, 2003 (paper no. 16) is acknowledged. Upon further consideration, the **species restriction has been withdrawn** (primarily because, upon searching the claimed invention, it was determined that claims directed to both species could be addressed). Therefore, the claims to be examined are 11, 12, 14-17, 19 and 20. Claims 13, 18 and 21-23 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 14, 2001 (Figure 1) and January 8, 2003 (except Figure 1) have been **approved**.

A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance

Claim Rejections - 35 USC § 112, 1st paragraph

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification and drawings do not appear to provide support for “the jet nozzles of the transport drums arranged on a rolling table” as set forth in claim 14. That is, there does not appear to be support for any jet nozzle that is provided on both a transport roller and a rolling table. Rather, support is provided for jet nozzles being provided on transport drums and also for other jet nozzles being provided on guide wedges.

Claim Rejections - 35 USC § 112, 2nd paragraph

4. Claims 11, 12, 14-17, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 11, line 5, the recitation of “shears” is vague and indefinite as to what is being set forth, particularly as to what disclosed structure is being referred in view of the recitation of “blade” in the body of the claim; in line 9, the recitation “producing” is

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vague and indefinite as to what is being set forth; in lines 15-17, the recitation “before and/or behind support areas of the drums or as closely as possible adjacent to blades provided on the blade carrier drums” is vague and indefinite as to what is being set forth; in line 20, the use of the term “rotary valve” is vague and indefinite and appears to be inaccurate, particularly since the valve as disclosed does not rotate; in lines 20-22, the recitation “limiting the jet bundles oriented against the sheet metal or metal strip with the rotary valve to a limitable angular position of the drums” is in general vague and indefinite as to what is being set forth, and further includes vague and indefinite recitations such as “metal” in line 21, and “a limitable angular position” in line 22 wherein it is unclear as to what is meant by such a phrase.

In claim 14, lines 1-2, the recitation “the jet nozzles of the transport drums arranged on a rolling table” lacks positive antecedent basis, and further is vague and indefinite as to what is being set forth, particularly since it is not clear how jet nozzles of the transport drums can also be on a rolling table; in lines 2-4, the recitation “are briefly successively loaded with ... through the transport drums” is vague and indefinite as to what is being set forth, particularly in view of the last paragraph of claim 11; in line 3, the recitation “having oppositely positioned edges” is vague and indefinite and appears to be inaccurate.

In claim 15, line 1, “the shears” renders the claim vague and indefinite, particularly in view of the recitation of “blades” in claim 11, wherein it is not clear as to the intended relationship being set forth between the terms “shears” and “blades”; in line

2, the recitation "one of the blade carrier drums" renders the claims vague and indefinite since in the recited embodiment there would only be one blade carrier drum.

In claim 17, line 1, "the shears" renders the claim vague and indefinite, particularly in view of the recitation of "blades" in claim 11, wherein it is not clear as to the intended relationship being set forth between the terms "shears" and "blades"; in line 2, the recitation "having oppositely positioned edges" is vague and indefinite and appears to be inaccurate, particularly since each blade is disclosed as having only one edge.

In claim 19, line 4, the recitation "for the sheet metal or metal strip" is vague and appears to be incomplete, and it seems that --conveying-- should be inserted after "for" or the like; in lines 10 and 12, "respectively" is vague and indefinite as to what is being set forth; in line 13, the recitation "configured to be connected" is vague and indefinite as to how the channels are "configured" to perform the recited function; in lines 16-17, the recitation "with connecting members to the supply channels" is vague and indefinite as to what is being set forth, particularly since it is not clear as to what disclosed structure "connecting members" refers, especially in view of the subsequent recitation of "rotary valve"; in lines 17-19, the recitation "when loaded with the medium .. of the sheet metal or metal strip" is vague and indefinite as to what is being set forth, particularly since it appears to be setting forth structure in a conditional manner; in line 20, the use of the term "rotary valve" is vague and indefinite and appears to be inaccurate, particularly since the valve as disclosed does not rotate.

In claim 20, line 2, "respectively" is vague and indefinite as to what is being set forth.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19 and 20, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Shearon, pn 4,080,856.

Shearon discloses a device with every structural limitation of the claimed invention as best understood from the claims including a conveying device (e.g., 15, 16, 17); and drums (e.g., those mounted on shafts 10, 11), wherein the drums have a periphery (e.g., the periphery of the drum mounted on shaft 11) provided with jet nozzles (e.g., 52, 53), wherein the drums have an interior (e.g., the interior of the drum mounted on shaft 11) and supply channels arranged in the interior (e.g., see Fig. 6), at least one valve (e.g., 26), and at least one pump (e.g., the feature providing the positive pressure through the supply tube (58)). It is noted that there appears to be no clear recitation that each of the drums has jet nozzles and the related features.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 11, 12 and 14, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shearon, pn 4,080,856 (hereafter Shearon '856) in view of Kobayashi et al., pn 5,918,518 (hereafter Kobayashi '518).

Shearon '856 discloses a method with every step of the claimed method as best understood from the claims with the corresponding structural features as described in the above rejection, but lacks the workpiece on which the method is performed being thin sheet metal or metal strip. However, the Examiner takes Official notice that it is old and well known to provide webs in the form of sheet metal or metal strip, and further that it is old and well known in the art to cut such webs using a cutter roll configuration. Kobayashi '518 discloses one example of such a web, wherein the web is a metal foil, and the use of a cutter roll configuration to cut the foil. Therefore, it would have been

obvious to one having ordinary skill in the art to use the device of Shearon '856 to cut any type of web material including a sheet metal or metal strip for various well known reasons including cutting a metal foil to a desired length when the device of Shearon '856 is available.

Regarding claim 14, it is not clear as to what the term "rolling table" means in the context recited in the claim, particularly since there is no disclosure of any of the drums having jet nozzles that are also arranged on a rolling table. This claim is being considered as being intended to further define the transport drums, and since Shearon '856 discloses jet nozzles on at least one of the drums, the limitations of this claim are considered to be met as best understood.

9. Claims 11, 12 and 14-16, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Read, pn 1,015, 836 in view of Kobayashi et al., pn 5,918,518 (hereafter Kobayashi '518) and Shearon, pn 4,080,856 (hereafter Shearon '856).

Read discloses a method with almost every step of the claimed process as best understood from the claims but lacks (a) the workpiece being a sheet metal or metal strip, and (b) the step of employing a rotary valve.

Regarding (a), the Examiner takes Official notice that it is old and well known to provide webs in the form of sheet metal or metal strip, and further that it is old and well known in the art to cut such webs using a cutter roll configuration. Kobayashi '518 discloses one example of such a web, wherein the web is a metal foil, and the use of a cutter roll configuration to cut the foil. Therefore, it would have been obvious to one having ordinary skill in the art to use the device of Read to cut any type of web material

including a sheet metal or metal strip for various well known reasons including cutting a metal foil to a desired length when the device of Read is available.

Regarding (b), the Examiner takes Official notice that the use of "rotary valves" as the term is best understood is old and well known in the art and provide various known benefits including producing and facilitating fluid flow to a desired component including rollers so that the fluid can be applied in an efficient and desired manner including the desired force and location/timing of fluid application. As one example, Shearon '856 discloses the use of such a valve and teaches that it is used to provide air flow to a specific location of the roller for a limited amount of time. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a valve on the device of Read for the well known benefits including those described above and taught by Shearon '856.

Regarding claim 14, it is not clear as to what the term "rolling table" means in the context recited in the claim, particularly since there is no disclosure of any of the drums having jet nozzles that are also arranged on a rolling table. This claim is being considered as being intended to further define the transport drums, and since Read discloses jet nozzles on at least one of the drums, the limitations of this claim are considered to be met as best understood.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Read, pn 1,015, 836 in view of Kobayashi et al., pn 5,918,518 (hereafter Kobayashi '518) and Shearon, pn 4,080,856 (hereafter Shearon '856), as applied to claim 11 above, and further in view of German Publication 944 919 (hereafter GP '919).

The combination lacks the specific type of cutter configuration, specifically, shearing off shears. However, the Examiner takes Official notice that such cutter configurations are old and well known in the art and provide various known benefits including providing a cutting action on both sides of the work piece to reduce the occurrence of tearing or the like. Often, different types of cutters are used on different types of work pieces. Therefore, it would have been obvious to one having ordinary skill in the art to replace the cutters of Read with shearing off shears for the well known benefits including those described above.

11. Claims 19 and 20, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Read, pn 1,015, 836 in view of German Publication 944 919 (hereafter GP '919) and Shearon, pn 4,080,856 (hereafter Shearon '856).

Read discloses a device with with almost every structural limitation of the claimed invention as best understood but lacks (a) a conveying device and (b) a timed fluid supply system, specifically a pump, a rotary valve and connecting members.

Regarding (a), the Examiner takes Official notice that conveying devices are old and well known in the art and provide various known benefits including transporting a work piece from one device/operation to another. GP '919 discloses one example of such a conveying device. Therefore, it would have been obvious to one having ordinary skill in the art to provide a conveying device in combination with the device disclosed by Read for the well known benefits including those described above.

Regarding (b), the Examiner takes Official notice that the use of such timed fluid supply systems is old and well known in the art and provide various known benefits

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including producing and facilitating fluid flow to a desired component including rollers so that the fluid can be applied in an efficient and desired manner including the desired force and location/timing of fluid application. As one example, Shearon '856 discloses the use of such a fluid supply system and teaches that it is used to provide air flow to a specific location of the roller for a limited amount of time. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a valve on the device of Read for the well known benefits including those described above and taught by Shearon '856.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can normally be reached on Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax number for official responses for the organization where this application or proceeding is assigned is 703-872-9306. The fax number for unofficial responses is 703-305-9835.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a stylized flourish extending from the end.

Clark F. Dexter
Primary Examiner
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cfd
February 2, 2004